

THE
NATURE, EXTENT, AND IMPORTANCE,
OF
THE DUTY OF ALLEGIANCE:

A
S E R M O N

PREACHED AT ABERDEEN,

DECEMBER 12, 1776,

BEING

THE FAST DAY APPOINTED BY THE KING,

ON ACCOUNT OF

THE REBELLION IN AMERICA.

By GEORGE CAMPBELL, D. D.
PRINCIPAL OF MARISCHAL COLLEGE.

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MDCCLXXVII

NATURE EXTENT AND IMPORTANCE

A D V E R T I S E M E N T
THE DUTY OF ALLEGIANCE

TO THE KING

BY ABERDEEN

DECEMBER 15 1841

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PRINCIPAL OF MARLBOROUGH COLLEGE

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MDCCCXLI

A D V E R T I S E M E N T.

IT is not of any importance to the Public to be made acquainted with the motives which have induced the Author to publish the following sermon. He will only say, that it was far from being his intention when he composed and preached it. But there are two points on which, he doubts not, many readers will think, he stands in need of an apology. Of such he begs a candid attention to what follows, as the best that he can offer.

It may be said that little can be expected new, especially in a sermon, on a subject which has now so long engrossed the public attention, and engaged many able and ingenious writers on both sides. The author readily admits the truth of this remark. If there be any thing here that can be called new, it is the consideration of what our religion teaches to be the duty of christians in such a case. This topic at least has not been touched in any of those writings which he has read on the present controversy. But though there be little or nothing new in the thoughts, every author has his peculiar manner and arrangement. One manner is better adapted to one set of readers, another to another. If the sentiments then be just, and if they be arranged and expressed with tolerable perspicuity, it may be hoped that there are some to whom they will be useful.

The second point on which the author finds he must apologize for himself, is his entering at all on such a subject in a sermon. Indeed the prejudices of some are so strong on this article, that he scarcely expects that any thing he has to advance, will entirely remove them. The cry is, What has the minister of the gospel to do with matters of state, or christianity with human politics? The ambiguity of the terms politics

and matters of state gives a specious appearance to the objection. The church, no doubt, would be a very improper place for the discussion of many points in regard to national interest, and of questions of jurisprudence, which might be very pertinent in the cabinet or the senate. But when a question arises that affects the title of the magistrate to demand, and the obligation of the subject to yield, obedience; if the precepts of the gospel at all concern our conduct as citizens, it must be the duty of a christian pastor to point out to his flock what these precepts command, and what they prohibit.

Our Saviour, in his last charge to his apostles, expressly enjoined them to teach all those whom they should convert and baptize, to observe all things whatsoever he had commanded them ^a. Now it is as really a commandment of our Lord, that we should render to Cesar the things that are Cesar's, as that we should render to God the things that are God's ^b. Have not his apostles accordingly, Paul and Peter in particular, given most explicit directions on this very head? Paul not only recommends this duty himself to christian congregations, but in the instructions he gives to Titus, who was also a minister, specifies it by name as an important duty which he ought not to neglect recommending to his people. Put them in mind, says he, to be subject to principalities and powers, to obey magistrates ^c. Can we then think ourselves excused in omitting to teach and enforce so momentuous a duty, so strongly recommended to us both by the example and by the precept both of our Lord and of his apostles? In the general order Christ gave to his disciples to teach the people to observe all things, whatsoever he had commanded them, were they at liberty to make an exception of this?

Some perhaps will reply, Were the duty only recommended by the minister in general terms as a christian duty, no objection could reasonably be made to it; but to enter into a detail of facts or an argu-
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^a Mat. xxviii. 20. ^b Mat. xxii. 21. ^c Tit. iii. 1.

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mentative discussion on such a subject, is what appears unsuitable to the place. To this the Author has only to answer, The manner, whether general or particular, derives its suitableness entirely from the occasion and circumstances. When people regularly do what they ought in any instance, and when their minds are in no danger of being perverted by false principles, it is perhaps enough to remark their obligations passingly. But the case is different when by misrepresentations of fact, or by sophistical arguments, their minds begin to be alienated from their duty, and they learn to call evil good, and good evil, to put darkness for light, and light for darkness, bitter for sweet, and sweet for bitter. It is then the business of the preacher, if preaching be not a mere matter of form, to do what he can to inform them better, both as to the fact and as to the argument. Can then the observance of the duty we owe to magistrates, be an unseasonable subject at present, when so many are at such uncommon pains (some doubtless thro' mistake, and some thro' ill design) to undermine it?

The pulpit without question would be an improper place for canvassing the economical regulations, which might properly be adopted in the government of families. But if tenets should be advanced and warmly recommended totally subversive of the honour due from children to their parents, and of the obedience due from servants to their masters, would he deserve the character of a minister of Christ, who chose to continue silent, and under the silly pretext, that the pulpit was not intended for discussing family affairs, would take no concern in the controversy? Shall we find men that are indefatigable in distributing poison, and shall not those who have it in their power, be at some pains to administer the antidote?

It has in like manner been urged, that under these plausible pretences, the pulpit hath sometimes been made the instrument of raising sedition, and of doing the greatest mischief to the public. The charge

is indeed but too true. But is that a good reason for not employing it for the contrary purpose of inculcating allegiance and loyalty? The pulpit has also been often employed in the service of error. Shall it therefore never be used for the advancement of truth? It has often been perverted to be instrumental in kindling persecution. Shall it therefore be accounted improper to use it in recommending the moderation, the meekness, and the gentleness of Christ? Besides, will those who abuse the pulpit to a bad purpose, be the less disposed to do so, because nobody dares oppose them from the pulpit? The reverse may with greater probability be concluded.

From the manner in which some talk of the business of a preacher, one would imagine, that in their apprehensions, he ought ever to be employed in doating about questions and strifes of words, discussing all the futile logomachies of the schools, which gender contention, envy, and wrath, but minister not to godly edifying, to pious and practical instruction.

The author begs leave to add, that he hopes the doctrine here maintained may be of some service, independently of the American disputes which have occasioned its publication. There is a real danger arising from the loose and republican principles now so openly professed and so assiduously disseminated thro' the British isles; which, should they still make progress as they seem to have done for some years past, might, after the present controversy is settled and forgotten, involve this country in the most direful calamities. On the other hand he is happy to observe that this quarrel has excited some persons of great learning and penetration, fully capable of doing justice to the subject, to examine more narrowly than had been done before, into the origin, nature, and end of civil government. It may be expected that the consequence will be, that the wild schemes of our political visionaries, for there are visionaries in politics as well as in religion, will in due time be properly exposed, and at length abandoned by every body.

PROVERBS

PROVERBS XXIV. 21.

—MEDDLE NOT WITH THEM THAT ARE GIVEN TO CHANGE.

OUR religion teacheth us to consider all afflictions as chastisements for sin, and as mercifully intended by our heavenly father to bring the afflicted to reflection and repentance. National calamities we are taught to regard as the punishments of national vices, and as warnings to the people to bethink themselves and reform. *In the day of adversity consider*, is an admonition equally apposite, as applied to individuals and to nations.

When the trouble itself, whether private or public, is the immediate and natural consequence of particular vices, it is more especially a call to examine into those vices which are the direct source of our calamities, that by the grace of God we may be enabled to forsake and avoid them. Thus a bad state of health incurred by debauchery, specially warns the suffering person of the necessity of temperance in the indulgence of appetite. And the miseries of a civil war, whether incurred by immoderate stretches of power on the one side, or by a wanton abuse of liberty on the other, are loud and particular calls to the correction of these enormities.

If this be a just representation, no christian can reasonably doubt that our present distressful and threatening circumstances in regard to America, ought to be thus viewed by every British subject on both
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sides of the Atlantic. War of every kind points more directly to the depravity of our minds and the corruption of our manners, than those public calamities, famine, pestilence, and earthquake, which are considered as proceeding immediately from the hand of God, can be said to do. They are all to be regarded as the punishments, but not as the natural effects, of sin. Whereas war is to be viewed equally in both lights. *Whence come wars and fightings amongst you, says James, come they not hence, even of your lusts that war in your members?* It is within the human breast that this mighty mischief is conceived. There the fire is lighted up, which afterwards bursting forth sets the world on flame.

In every war then, foreign or domestic, there is on one side or the other, not seldom on both, some immorality or guilt which is the direct cause. The superintendency of Providence is doubtless to be acknowledged in this, as in every other event. And therefore affliction of every kind ought to excite us to self-examination, prayer, and repentance. But those which people more directly bring upon themselves, ought to lead them to enquire into the immediate cause, that so the present evil may, as far as depends on them, be soon remedied, and such a proper sense of their duty attained, as may at least be some security, that they will not be instrumental in fomenting the latent mischief, but will, on the contrary, do what they can, to check its progress. Besides, to entertain just notions on these subjects is one of the surest means of guarding men against the like evils in time to come.

Not indeed that wars of any kind, and especially intestine wars, always spring from opinion or principle. Their primary and ordinary source is much more properly represented in the words of the apostle, to be our *lusts that war in our members*. It is mens avarice, ambition or revenge. At the same time it must be owned, that the

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first movers in such commotions are but a few, the bulk of their followers, misled by their artifices and misrepresentations, drive on blindfold, as they are stimulated, not knowing what they do. Nothing therefore can more expose people to be the dupes of wicked and designing men, than either to have no principles at all on this subject, or to entertain wrong principles. The few can do nothing without the many. The former generally are hurried on by their passions, the latter by the erroneous notions, which those who find their account in seducing them, are indefatigable in sowing and cultivating. For this reason, if the gross of the people be in the wrong, they are more to be pitied than condemned, for they often do the greatest mischief with the best intentions imaginable. Like Paul before his conversion, they have a zeal for God and for their country, but it is not according to knowledge. Like him also, many of them, we may believe, would act a contrary part, if they should come to be convinced of their error. When people are gone a certain length, we see from experience that it is next to impossible to reclaim or convince them. It is consequently one of the best offices that we can do to our countrymen and fellow-christians, when pernicious errors begin to be diffused, and to be plausibly, or at least popularly supported, to do what we can in the way of prevention, by propagating and defending to the utmost of our power what both reason and scripture show to be the truth.

This consideration, ye will readily suppose, has led me to make choice of these words of Solomon as the ground of my discourse, *Meddle not with them that are given to change.* Our gracious sovereign has very properly called us, on this occasion, to humble ourselves before the divine Majesty, to implore his merciful interposition in our favour, that being warned by the tremendous judgment of a civil war raging in the colonies, we may be induced to repent of our sins, amend our lives, and thus avert the divine
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anger: I judged therefore that I could not better employ a small portion of a day set apart for so pious a purpose, than in arming you against those errors in particular, which have contributed so much to our present calamities; and in showing the obligations which as men, as citizens, and as christians, ye lie under to give obedience to the powers which providence hath set over you, and not to meddle with them that are given to change; that is, to avoid giving your countenance or aid, either by speech or by action, to the measures of those who would, on slight pretexts, subvert all established order, and throw every thing into confusion.

I am not ignorant that it may plausibly be urged against the propriety of discussing these points in this audience, that very few of us can be charged with entertaining principles tending to vindicate the resistance given to authority in the remote parts of the British empire. In general therefore we need not a refutation of opinions which we do not hold. The assertion I acknowledge to be just in point of fact, and rejoice that on the best grounds I can affirm that it is. But I am far from thinking it conclusive in point of argument. Tho' there be few, there are some. And such writings as in my judgment instill and propagate the most unchristian and most dangerous doctrines on this subject, are daily circulated amongst us. The few may in process of time grow to be the many. The greatest ills are often inconsiderable in their beginnings; and sometimes the most memorable revolutions may be traced up to very slight causes. Frequent misrepresentations and clamours breed discontent. Discontent gradually produces disaffection. Disaffection long continued settles into disloyalty; and this last waits but an opportunity to bring forth rebellion. Preventive remedies, it is well known, are commonly more effectual than corrective ones. And often, had the proper medicines been taken in time, those diseases might have been cured

cured, which, allowed thro' neglect to become inveterate, baffle the art of the physician. Besides, the medicine I mean to administer, is of that safe kind, which, if it do no service, or be not necessary, will do no hurt.

It is only by the instruction and reformation of particulars, however small a part each is of the whole, that the general instruction and reformation can be effected. And the national sentiments are no other than those which prevail with the majority of the individuals of whom the nation is composed. Let us then, in the present great national contest, enquire impartially where the radical error lies; for that there is an error somewhere, is allowed on both sides.

Now the better we are informed in the rights of magistracy in general, and in the chief circumstances of the present case in particular, there is the greater probability that our conduct shall be regulated by the obligations we lie under, and that it shall be steady and uniform. On these two topics therefore, the rights of magistracy, and the grounds of the present colonial war, I purpose, with the aid of heaven, to offer a few observations.

The precept in my text, *Meddle not with them that are given to change*, evidently prohibits us from favouring innovations in matters of government, or concurring in violent and irregular measures, for the purpose of effecting some change either in the governors or in the form of government. Such alterations or amendments in the laws as may be regularly and constitutionally introduced, and may be conducive to the improvement of the body politic, are by no means comprehended in the prohibition given by this sage monarch. It is, on the contrary, the duty of every one in office, to exert the power

the constitution gives him, in such a way as will most promote the public welfare, correcting whatever is amiss, and improving whatever is found defective. The precept contained in my text may no doubt be transgressed either by the governors or by the governed. It is with regard to the latter, that I intend at this time principally to consider it; and for this end I must beg your patient attention to the following remarks.

First, it ought to be remembered, that the general precept to be observed by the people in regard to their rulers is, to obey them. *Let every soul be subject to the higher powers*, says Paul, and, *He who resisteth the power, resisteth the ordinance of God*. Again, *Be ye subject therefore, not only for wrath, but for conscience sake*^a. To the same purpose the apostle Peter, *Submit yourselves to every ordinance of man for the Lord's sake, whether it be to the king as supreme, or to governors, as to them that are sent by him, for the punishment of evil doers, and for the praise of them that do well*. He adds, *For so is the will of God, that with well-doing ye may put to silence the ignorance of foolish men*^b.

Are we then, say some, to conclude, that resistance to governors, is in all cases unlawful, and that whatever part they act, however oppressive and tyrannical, the governed have no choice but obedience and submission? I do by no means affirm this. There are few general rules that admit no exception. Consider the commandment, *Thou shalt not kill*^c. Does it import that in no possible circumstances one man is permitted to take the life of another? No certainly. Notwithstanding this unlimited prohibition, we all allow, and have sufficient warrant from scripture for allowing, that in several cases, as in the judicial punishment of crimes, in self-defence, and in lawful war,

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^a Rom. xiii. 1, 2, 5. ^b 1 Pet. ii. 13, 14, 15. ^c Exod. xx. 13.

it not only may be vindicated, but is even a duty to deprive another of life. Nor let it be urged, that the term rendered *kill*, ought to have been translated *commit murder*; for it is certain that the Hebrew word is of as extensive signification as the English, and applied indifferently to lawful as to unlawful killing. *Children, obey your parents*, says the apostle Paul, *in all things*. The same injunction is also given to servants ^a. This, one would think, excludes all exception, if words can exclude it. Yet I believe no christian will urge, that there would be an obligation to obedience from this precept, should a parent command his child, or a master his servant, to steal. I shall offer but one other instance, an instance which nearly resembles the point in hand. Our Lord has given us this express prohibition, *Resist not evil* ^b, and that without any restriction whatever. Yet if this were to be understood by christians as admitting no exception, it would among them abolish magistracy itself. For what is magistracy, but, if I may be allowed the expression, a bulwark erected for the defence of the society, and consequently for the very purpose of resisting evil, for repelling injuries offered or committed, either by foreign enemies from without, or by its own corrupted members from within? Therefore, unless the nature of the thing require it, we cannot conclude so much from a general proposition.

And that the nature of the thing does not in this case require it, is manifest from this consideration, that government obliges us in conscience to obedience and submission, only because it is the means appointed by providence, for promoting one of the most important ends, the good of society. If this institution therefore, in any instance, should so far degenerate into tyranny, that all the miseries of a civil war consequent on resistance, would be less

^a Col. iii. 20, 22. ^b Matt. v. 39.

less terrible than the slavery and oppression suffered under the government, then, and only then, could resistance be said to be either incumbent as a duty, or even lawful. It cannot reasonably be denied that the principle of self-defence is as natural and justifiable in communities; as in individuals.

Thus much I thought it necessary to premise, for the sake of truth, and that it might not be imagined I mean to argue on the slavish, unnatural, and justly exploded principles of passive obedience and non-resistance; principles whose manifest tendency is the establishment and support of despotism. At the same time it is but doing justice to the argument, to take notice, that if there be a danger on the one hand, of tying the knot of allegiance which binds the subject to the sovereign too hard, there is no less danger on the other, of making it too loose. Nothing is more common than for people to run from one extreme to another. We have indeed happily abandoned the absurd tenets above-mentioned, but is there not reason to dread that many in this island are running precipitately into the opposite error? an error whose direct tendency is anarchy, which commonly terminates in usurpation and tyranny, the very thing proposed to be avoided by resistance. That we may be properly guarded against so fatal a mistake, I hope, my brethren, to be indulged on this head a little further, whilst I consider as briefly as possible the extent both of the precept and of the exception.

The extent of the precept to obey governors can only be ascertained by attending to the end of government. Now the end of government is, as was observed, the good of the society, especially of the governed, who make the major part. Paul speaking of the magistrate, says, *He is the minister of God to thee for good**. It will be asked on the other side, Can this consideration

* Rom. xiii. 4.

deration entitle him to obedience, when he adopts a measure that instead of promoting the public welfare, is really hurtful? That we may be furnished with a proper answer to this question, we must remark first, that the apostle speaks of the end of magistracy, which is the good of society, not of the end of every measure which the magistrate may think proper to adopt. He is but a man, and therefore fallible as well as others. He is liable both to error and to vice. Many measures he may adopt that are improper; notwithstanding which, the end of the office, the public good, may be promoted by him. Besides, true public spirit incites us equally, in what regards the public, to prefer the greatest of different good things and the least of different ills. Now there may be many bad measures adopted by the ruling powers, which nevertheless could not do half the mischief that would necessarily ensue from the subversion of authority. For it ought always on this subject, to be taken into consideration, that resistance strikes immediately, not only against the particular measure resisted, but against the office, and therefore tends totally to unhinge the constitution. If then by resisting, as much as in us lies, we loose the bands of society, and introduce anarchy with all its baneful consequences, on account of any measures, the ill effects whereof are not so much to be dreaded as those wherein the nation would be involved by the dissolution of government, we run into a greater evil to avoid a less.

Let it be further observed, that in bad measures themselves there is a great difference. Some are denominated bad because *inexpedient*, that is, not well adapted to the end intended by them. Thus a tax may be laid on one commodity which distresses the people more, and yields less to the revenue, than if it had been laid on another. Others are termed bad because *immoral*, as when
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any thing is commanded contrary to the law of God. In regard to the first there cannot be a shadow of doubt. For if every man were at liberty to judge for himself how far the means adopted by his superiors, were fitted to the end, and consequently how far he were obliged to give obedience to the laws, there could be no government at all. The people would be either in a state of perpetual warfare, or at perfect liberty to do as they please. If the latter were the case, it would be absurd to talk of *laws or orders*; the only proper terms would be *counsels or advices*. Among such, and only among such it might be justly said, "Every man is his own legislator." But this state of things (for a constitution it cannot be called) may suit the perfection of angels who are all good and wise, but will never suit the depravity of human nature. In regard to the other sort of bad measures, where something sinful is enjoined, it is certain that no man is bound to yield an active obedience to a human law which, either from the light of nature or from revelation, he is persuaded to be contrary to the divine law.

But even as to such laws, the subject is not always entitled to oppose the magistrate by force. In the days of the apostles, the christians submitted to any sufferings rather than give obedience to the heathen laws in favour of idolatry; yet they neither levied war against the magistrate, nor pulled down the images, altars, and temples of idolaters. Is religion then never a sufficient ground of active opposition to the ruling powers? That cannot justly be inferred neither. Government has for its object, the whole society, not a separate part. There is therefore a great difference between what may be called an attack on the rights both natural and civil of the whole, such as is the religion of the community, and an infringement of the natural rights of a few. A man's right to his opinions may be truly said to be both natural and unalienable. As they

they depend not on his will, it is not in his power to alter them. And no law is obligatory which commands a man to lie. Religious toleration therefore may very justly be considered as a natural right. The two great limits to all civil laws are the *impossible* and the *immoral*. What is enjoined by the law of nature may also be enforced by civil laws under civil sanctions. Of this kind are almost all the criminal laws in every country. Further there is a great difference between measures tending to the preservation of what is established, and those tending to its subversion; and that without taking into consideration the goodness or the badness of the establishment. The former is favourable to public tranquillity and order, because conducing to that which the community, whether right or wrong, esteems their good. The latter is hardly ever attempted without endangering, and not sometimes without subverting, the public tranquillity. Now as it is a principle of common sense, that a less evil should be born to prevent a greater, so it is a fundamental principle in government whose end is common utility, that private interest should give place to public. It holds in general therefore, that no man, no body of men, constituting but a smaller part of the community, are entitled to resist the magistrate by force in what is properly a private quarrel, even tho' they should think themselves, and be in fact, unjustly treated by him. For there is a very great difference between not being obliged to give an active obedience, and being entitled to make an active resistance.

I admit that cases may be supposed so atrociously barbarous, that nature would reclaim against the severity of this doctrine, and the heart of every feeling person would justify the oppressed in giving way to the impulse of that most natural and rooted principle of self-defence. But such cases are uncommon any where, and hardly ever to be found in free or limited governments. Yet even in such cases

cases, the very utmost we can say is, that humanity and candour would admit the greatness of the provocation as an apology for the resistance, which would be considered as excusable, not regarded as incumbent. In support of authority a positive precept is pleaded; in support of such a resistance as has been now supposed, the utmost that could be urged is an implied exception resulting from extraordinary circumstances. In every case in which the rule holds, to transgress it is an invasion of the rights of others, not only the rights of the magistrate, but the right of the society, whose peace and order we disturb; whereas in the particular case above stated, not to avail one's self of the exception, is only to yield of one's own right, a thing which in most cases is entirely in one's own power.

Our duty as christians often requires us to act this part, and to resign a private claim for the good of others. The example of our Lord teaches it, who, to avoid contention and offence, provided himself miraculously with the tribute money, when he might have pleaded a legal exemption from paying it^a. To such particular cases the precept, *Resist not evil*, ought to be understood as principally applicable. That we ought patiently to endure private injuries, rather than by endeavouring to obtain redress, hurt a more important and public interest, is alike the dictate of true patriotism and genuine christianity. *Why do ye not rather*, says Paul to the Corinthians, *take wrong? Why do ye not rather suffer yourselves to be defrauded^b?* Rather than what? Rather than bring scandal on the christian community, rather than breed variances amongst yourselves.

I observe further, that the cause which justifies resistance would not only need to be both public and important, but clearly and by the community understood to be so. It were madness in one

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^a Mat. xvii. 24, &c. ^b Cor. vi. 7.

or a few, in a case wherein the peace and felicity of all are concerned, to decide for the whole. The immediate mischiefs to society would be manifest, the remote advantages totally uncertain. Nor is it less evident, that where the case is in any degree doubtful, our only safe way is to follow the precept which enjoins obedience, and not an exception, about the existence of which we are dubious. Nor needs any other reason be assigned, than that it is conformable to the general precept which we are commanded to follow as our rule. As this therefore is a christian duty in every case, unless where the exception actually obtains, it is incumbent on us in every case, unless where we perceive that the exception obtains. *Whatsoever is not of faith, is sin*^a. There is no middle way. The divine precept is solely in favour of obedience; to disobey is in fact to decide in favour of an exception, which, unless it be glaring, ought never to be supposed to exist. In regard to it the law is silent. It is not of the spirit of the law to put extraordinary cases. It leaves such, from the manifest urgency and importance of the circumstances, to suggest the necessity of a deviation from the rule. To resist has been, with the greatest justice, styled in the body politic a desperate remedy, as it brings into the most imminent hazard its very existence; it would then be no other than distraction to employ it, if we were doubtful whether the disease of the state were desperate, or even perhaps whether she laboured under a disease or not. If disobedience and resistance are to be regarded (as by all wise and good men they have ever been regarded) as at best but necessary evils, common sense requires, that we be convinced of the necessity, before we recur to the evil.

In these observations I have all along argued from what both reason and scripture show to be the end of government, *public utility*, a principle sufficiently simple and intelligible, and from which alone every just limitation may easily be deduced. I have not

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^a Rom. xiv. 23.

mentioned the *original compact*, one of the hackneyed topics of writers on politics. My reason is, I neither understand the word, as applied by those writers, nor know where to find the thing to which they refer. That there may have been politics founded in compact, I make no question; but the history of the world will satisfy every reasonable person, that in many more cases, perhaps thirty to one, states have arisen from causes widely different. If those however, who use the expression, mean no more, when they say that magistrates have violated the original compact, and are therefore no longer entitled to the obedience of the subject, than I mean when I say, they so manifestly counteract the great end of magistracy, as renders resistance itself less a public evil than obedience, I shall admit the phrase, tho' I cannot help considering it as both an obscure and an improper way of expressing a plain sentiment. But if something further be meant, I should like, before I say any thing for, or against it, to have some evidence of the existence of such a compact, and likewise to know a little of its contents. As the matter stands, I consider it as one of those phrases which are very convenient for the professed disputant, because they are both indefinite and dark, and may be made to comprehend under them all the chimeras of his own imagination. Many such have been introduced into this controversy, which, as they only serve to perplex it, are very apt to mislead the unwary.

I return to my subject. Various circumstances in different countries have given rise to the establishment of various forms of government. Tho' these are far from being equal in point of excellence, public good requires, that except in cases of extremity, each should be preserved from violence. It may be objected, that on my principles a bad constitution can never be amended or improved. I answer, To attempt the amendment by force, that is, by sub-

subverting the public peace, and throwing all into confusion, is to seek to attain a distant good, about the attainment of which we are uncertain, at the price of a certain and immediate evil, in all probability greater than the good can compensate, if attained. In all states, especially in all civilized states, as was already hinted, there are constitutional methods of effecting useful alterations and improvements. Against the proper application of these there can lie no objection. Those only are the innovators alluded to in my text, who by irregular, violent, and unconstitutional methods, by resistance and revolt, seek to subvert the established order.

Here a question may pertinently be put, May it not happen, that the innovations which give rise to national calamities have originated with the rulers? If they, by assuming an unusual power, overleap the bounds of the constitution, fixed by immemorial custom, by fundamental laws, or by positive convention, do they not come within the description of the persons given to change? It is not to be denied that this may be the case, and sometimes has been. It is not to be denied, that the rights and liberties of the people are as real, and as valuable, and ought to be held as sacred, a part of the constitution, as the powers and prerogatives of the magistrate.

When Charles I. attempted to govern without a parliament, and to impose taxes on the people by his own authority alone, he doubtless, and all those who advised and abetted such measures, were to be ranked with them that are given to change. Nay, however unusual the application may be, it was properly they who did not submit to what Paul denominates *the ordinance of God, the powers that be*. The king with us possesses the whole executive power, and constitutes an essential branch of the legislative; but as the executive, from the nature of the thing, is subordinate
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to the legislative, he, by assuming in his own person the authority of the whole legislature, usurped what did not belong to him, and thereby opposed God's ordinance. But tho' the usurpation may be justly said to have originated with the crown, it cannot be affirmed that it ended there. The house of commons of the long parliament, quickly showed the same propensity to usurpation and despotic power. They usurped the authority of the crown and of the peers, both which constituent members of the state they suppressed, taking the whole business of legislation on themselves. They usurped likewise the rights of the people. Delegated for a limited time only, they maintained by the sword the possession they had once obtained, after the time in which they had any legal authority was expired; and were at last ignominiously expelled by a new usurper, a creature of their own; thus *receiving in themselves that recompence of their error which was meet.*

They eminently evinced the danger and the madness of destroying a good constitution, in the delusive hope of erecting, what some of them no doubt fancied, a better, in its stead. The wounds given by the stretches of prerogative had been healed, the public grievances redressed, sufficient security of the rights and privileges of all orders obtained, when the house of commons, observing their ascendancy over the crown and the house of lords, and intoxicated with the power they had acquired, beyond their most sanguine expectations, and beyond the example of all former parliaments, not knowing where to stop, persisted in their violence, till they involved the nation in blood, murdered the king, and overset the constitution.

But descending from former times and from the general topic of the rights of the magistrate, and the duty of the subject, let us
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now enquire a little (which was the second thing I proposed to do) into the merits of the contest in which we are at this time unhappily engaged with our revolted brethren in America. Can we then with justice charge the civil war that now rages in our colonies on the tyranny or misgovernment of the ruling powers? Has any thing been done that could be said justly to provoke their revolt, to render resistance the necessary means of self-preservation, and so to exempt them in using it from the charge of rebellion? Or, on the other hand, Have artful and ambitious men, both on their side of the water and on ours, had the address, for their own private ends, to mislead a people whom wealth and luxury have corrupted, and rendered prone to licentiousness and faction? Have these false friends and sham patriots inflamed their minds with imaginary invasions of their rights, and with fears and jealousies for which there is no foundation? In such a situation, it is of great consequence to people to examine the matter impartially. This is the first step, and when properly executed, gives some ground to hope, that on whichever side the fault lies, it may in time be corrected.

The scene of action, it is true, lies far from us; but we are all deeply concerned in the consequences. Besides, in a government which hath so great a mixture of democracy as the British, it is of importance that the measures of the administration be supported by the favour of the people, if right; and that they be checked by the general disapprobation, if wrong. The one tends to confirm, the other to correct them. In this country, no ministry, and it is our happiness and glory that it is so, can long persist in a train of measures universally condemned. But if, amongst us, such is the influence of the popular suffrage, we ought all to be the more careful that we be well informed. The ferment that has been excited in the colonies, and the clamour raised by a faction amongst ourselves

selves, are in one view, of the most alarming nature. The clamour is not levelled barely against the ministry, or even against the government, but against the whole legislature of the country. Its too manifest aim is to foment in the people a seditious and ungovernable spirit, destructive of all authority, than which nothing can be conceived of more ruinous tendency to the constitution. Nothing could vindicate this conduct but the most flagrant danger of our religion, laws, and liberties. And I will venture to affirm, and am in no hazard of being contradicted by the candid and judicious, that these great national concerns were never in less danger from the ruling powers, than in the present reign.

I am sensible that discussions of this sort are not easily adapted to the pulpit, nor can a political controversy, as it is called, (tho' in fact a controversy in which morals and religion are nearly concerned) be accounted level to the capacity of an ordinary audience. I shall not therefore enter into the numerous articles that have been made matter of dispute since this question began to be agitated. This is what neither propriety nor your time will permit me to do. But that our allegiance and loyalty may be not only more rational, but more durable, as proceeding from knowledge and principle, I shall consider a little that which may be called the hinge of the controversy, and which gave rise to all the other and smaller points in question. Now this point is evidently the right claimed by the British parliament, to tax our fellow-subjects in America.

And first, in matters of government and legislation, that which immemorial custom has established, unless opposed by some natural or divine law, is always regarded as obligatory. Now that taxes have been imposed by parliament, even from the first settlement of the colonies, has been put beyond a doubt by the writers on that side of the question^a. First, they were taxed, and under the odi-

^a See The Rights of Great Britain asserted. Remarks on the 13th Parliament. Answer to the Declaration of the Congress, &c.

ous form of an excise too, by the long parliament in the time of the civil wars, by that very patriotic parliament which the American demagogues set up to themselves as a standard every way worthy their imitation. After the restoration they were in Charles II's time taxed by parliament. Nor was this measure considered as unconstitutional after the revolution. On the contrary, the former act was in the reign of William III. confirmed and explained by a new one. In Queen Anne's time the act establishing the post-office, and the act for raising a duty from seamen for the support of Greenwich hospital, are made to bind the colonies as well as the island of Great Britain. There are acts to the same purpose in the reigns both of George I. and of George II. To these acts the colonies then submitted; for they had not then discovered their natural and unalienable right to pay no taxes, but such as have been imposed with their own consent. The real ground of the difference is, Then they were poorer and more humble, now they are richer and more proud.

Nor do their charters, as has been falsely pretended, give any support to such exemption. In one of them the right of taxing by parliament is reserved in express terms, and in others it is reserved manifestly by implication, in as much as immunities from being taxed are granted for a limited term of years, in some longer, in others shorter.

But it is ridiculous to pretend an exemption from being taxed, whilst they acknowledge, as they have always done till of late, the power of the British parliament to make laws on other articles which shall bind the colonies. Yet some are inconsistent enough to maintain, that our legislature has power to do the one, but not the other. I should be glad to know on what the distinction is founded. Not on any positive convention, or on any act of the legislature asserting its right in the one case, and disclaiming it in the other. It is
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not pretended. Is then the distinction one of those which are founded in the nature of things? Impossible. What! Have we the command of their persons, their liberties, their lives, but not of their purses? May we declare what is criminal in them, what is not, and what crimes shall be punished with imprisonment, what with exile, what with stripes, and what with death, but cannot affect a single shilling of their coin? Is then the union between a man and his money more intimate than that between the soul and the body? One would be tempted to believe, that it had been in the head of some miser, whose treasure is his God, that this absurd conceit had first been gendered.

I own, I am exceedingly surprized at the inconsistency of men, in other respects not deficient in understanding, who maintain the legality of the navigation-act, confining the trade of the plantations, and yet deny the legality of taxing them. The former is, in my opinion, in several respects more exceptionable than the latter; and in some instances at least, a hardship on them, without being an advantage to us. But pray, consider, wherein lies the difference? We, by restraining part of their trade to ourselves, may oblige them, in some instances, to sell to us for sixpence the pound, what, if the market were open, they would get sevenpence for from others. Is not this precisely the same as to them, as if we should permit them to sell where they please, and exact in name of duty a penny on the pound-weight? It is even worse; for by confining the trade, the demand is lessened, and consequently a check is put on the industry that would be employed on that article.

But let it not be imagined, that all the restraints are laid on the colonists for our benefit, as has been most uncandidly pretended by some of the advocates on the other side. There are many
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restraints laid on us also by the legislature for their benefit. Perhaps it were better for both, that all such acts were revised. Taxes, if imposed with judgment, are generally less prejudicial than monopolies. But (whatever be in this) that the restrictions are reciprocal is manifest. In regard to some of their staple commodities, we are, for their benefit, prohibited under severe penalties, to cultivate them in our own country; at the same time that we are not allowed to purchase them from any other nation, tho' we should get them both cheaper and better. Drawbacks and bounties are given to our merchants on exporting hence American commodities imported. This is an advantage to the Americans, as by raising the demand and price, it encourages their cultivation and labour, and an advantage to our traders in such articles, whom it enables to deal more extensively, and undersell others, but to the nation in general a detriment rather than a profit, inasmuch as the nation must always, by some tax or other, compensate to the government the value of the bounty.

Indeed the more consistent patrons of the American cause, deny that the legislative power of the British senate can justly extend to the colonies in any thing. If ye ask them, Why? The answer is ready. Men cannot be bound by laws to which they have not given their consent. This appears to them an axiom in politics, as clear as any in mathematics. And tho' for a first principle, it has been wonderfully late of being discovered, they are so confident of its self-evidence, that they never attempt to prove it; they rather treat with contempt every person who is so weak as to question it. These gentlemen however will excuse me, as I am not certain that I understand them, and am a little nice about first principles, when I ask, what is the precise meaning they affix to the term *consent*? For I am much afraid that if they had begun

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with borrowing from the mathematicians, the laudable practice of giving accurate definitions of their terms, and always adhering to those definitions, we had never heard of many of their newfangled axioms.

It is certain that, in the common acceptation, *consent* denotes a declared concurrence in opinion in regard to any measure, or a joint approbation of that measure. In this sense of the word, a law is made by the consent only of those who voted for it. It may happen then, in the house of commons, when the house is thin, and a law passes by a small majority, that the actual consenters to the statute may be less than the twentieth part of the representatives of the people. But to this I am quickly answered, that there is comprehended under the term, not only an actual and explicit, but a *virtual* and *implicit* consent. Now the minority of the members present, with all the absent, are conceived as virtually and implicitly consenting to the deed of the majority of the members present. Here then is an acceptation of the term obtruded upon us, ere we are aware, so very different from the former and ordinary acceptation, as to be in effect the reverse. Your virtual and implicit consent to a measure, may mean, in some instances, what I should call an actual and explicit dissent from it, a disapprobation, or perhaps a declared abhorrence of it. Of this kind are many of the virtual and implicit consents given in both houses of parliament. The virtual consent of the electors, those against, as well as those for each successful candidate, to all that shall be enacted in parliament, either with or against the approbation of their member, is liable, if possible, still more glaringly to the same objections. Could a man be said to speak English, at least could he be said to speak truth, who should affirm that the city-members and the members for Middlesex consented to the act for shutting up the port of Boston, the act for
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restraining the trade of the colonies to Great Britain and Ireland, and the Quebec act? If he could affirm this with truth and propriety, one cannot help concluding that it is shameless in any of those gentlemen to raise so much clamour against acts to which they have given their consent. And if he could not affirm it, without exposing himself to be charged with telling an untruth; to what purpose is it, to employ in the very maxims on which ye found, terms in so vague and so elusive a manner, that on some occasions their meaning is the contrary of that which ye give them on other occasions, and of that which they uniformly bear in common language? I know no purpose but one it can answer, a purpose it has often answered, a purpose it still but too well answers, to darken, to perplex, and to mislead.

When these people are pushed for an explanation, their *virtual* and *implicit consent* dwindles to no more at last, than that by our constitution the minority are so far determined by the act of the majority, and those who have no voice in the election as well as the electors, by the majority of the elected present at the passing of any act, as to be obliged to submit to it as the law of the land. This indeed is a language which I understand, but ye must observe that in this sense it may with equal truth be affirmed, that in the aristocratical state of Venice, the people are bound by no laws but those to which they have given their consent; because by their constitution, the plebeians are determined by the deed of the patricians, and are therefore to be understood as virtual and implicit consenters. Nay, ye may extend the maxim to the inhabitants of Turkey, who, by the constitution of their country, may with equal propriety be considered as consenting to the declared will of the Grand Signior. The will of a majority from which I differ, is no more my will, their opinion which I disbelieve

lieve is no more my opinion, than if they were the will and opinion of a single person only. In this respect number makes no odds. And I can never, without a perversion of speech, be said to be self-governed, if my conduct must be regulated by the will and opinion of others, and not by my own.

Is there then no difference between the most despotic government and the freest? There is a very wide difference, but it results from principles totally distinct from those in which some modern political writers affect to place it. That one of the essential branches of the legislature is elective, that its members are elected from all the different counties and boroughs in the island, by those who have a principal concern both in agriculture and in trade, that they are but temporary legislators, and may soon be changed; that the laws they make for others bind themselves; these are the great bulwarks of British freedom, as they afford the supreme council of the nation, the best opportunities of knowing, and the strongest motives for enacting, what is most beneficial, not to one part of the country, or one class of the inhabitants, but to the whole. If so, the people will very rarely be laid under hurtful, and not often under unreasonable, that is unnecessary, restraints. The more this is the case with a people, the more they enjoy of *civil liberty*, and the freer is their government. In like manner when men are governed by established laws which they know, or may know, if they will, and are not liable to be punished by their governors, unless when they transgress those laws, we say they are under a *legal government*. When the contrary takes place, and men are liable to be harrassed at the pleasure of their superiors, tho' guilty of no transgression of a known rule, we say properly they are under *arbitrary power*. These are the only distinctions I know between *free* and *slavish*, *legal* and *arbitrary*, as applied to

governments. And indeed they are so obvious, that I cannot easily conceive how they have been so much overlooked.

But if any where the idea of such a democracy wherein every member is his own lawgiver, is realized, it is, as has been justly observed by some writers, in the diets and dietines of Poland; for in the established anarchy of that country, every member, that is, every nobleman, for the commons are no better than slaves, has it in his power to stop the proceedings of the whole. The real, not the nominal, consent of every individual is there literally necessary. The consequence is that no-where, under sophi, mogul, or sultan, is there less order, less liberty, less security than there. Every man is at the mercy of every man. Every man has it in his power to do much and public mischief, not one to do any public and substantial good. Is then this chaotic jumble, for I can call it neither government nor constitution, the great idol of our modern republicans? I cannot allow myself to think so. But I am certain of one thing, that it is the only model which their fantastic maxims serve in any degree to justify.

I do not say that that model, bad as it is, equals the extravagance implied in the definition some give of a free or legal government, which in their notion is the only government, wherein the people are under an obligation in conscience to obey the magistrate. It is, say they, a state wherein every man is governed by laws of his own making. Fine words indeed, and an admirable topic they afford for popular declamation. But if ye do not choose to be fascinated by unmeaning phrases, ye need only reflect, and the charm dissolves of itself. Who is so ignorant as to need to be told, that the system of laws in every civilized nation, the freest, if ye will, in the universe, is the work of ages, and that no persons living can, in any sense, be said to be the makers of them?

them? Our consent could not have been asked to the making of laws before we had an existence; and it is no otherwise that we give it to them now, than as we give it to the laws of the universe, in accommodating ourselves to them the best way we can. Nay there are many of them which, tho' we submit to them, we may disapprove, and would alter, if we could. To say they are the work of our ancestors, is nothing to the purpose. We are as distinct persons from them, as from the people of France or of Egypt, and our inclinations and sentiments may be as different. And tho' it be true that the present generation hath some share in the business of lawmaking, as well as former generations, it is equally true, that in a state considerably advanced in civilization, all the laws that can be made in the time of any one set of legislators, will scarcely be found to exceed the ten thousandth part of the whole code.

But if by all this parade of big words, no more is meant than the *acquiescence*, which from a principle both of public utility and of private, we give to the laws of our country, it might with equal truth be affirmed, that the laws of nature, whereby the heats in summer, and the storms in winter, and the more temperate weather in spring and autumn are conducted, are of our making, because we find it both our duty and our interest to acquiesce in them. Once more, if all those glorious privileges so pompously displayed, sink, on the scrutiny, into a meer passive submission and acquiescence, and if this be the true basis of civil liberty, the inhabitants of Persia or of Japan, have more freedom than we Britons, as their acquiescence will be found much perfecter than ours. The less power the people have in matters of legislation and government, the more these matters will be considered by them as on a footing with the laws of the universe, and beyond their reach. On the contrary, the greater power they have, the more they

they will be accustomed to scrutinize public measures, and the more they will find themselves disposed to grumble.

I have already observed, that with those reasoners, whose sentiments on this subject I have been examining, no form of government, wherein their radical maxims have no place, can be called legal, or can lay any obligation on the people in respect of duty. Every other form, say they, as it is founded in violence of one kind or other, so when a proper opportunity offers, may justly be overturned by violence, nay ought to be overturned, that room may be made for a free and rightful government, the only one that binds the conscience. I should think that the bare mention of consequences so baneful to society, logically deducible from a set of principles, would startle the benevolent and judicious, and make them coolly re-examine the principles which lead to such conclusions, by whatever respectable names they come recommended. I know that some such paradoxes as I have been combating, have been adopted, or rather hastily thrown out in the heat of disputation, by writers whose fame in other respects deservedly great, has drawn a veneration even for their crudities. But let us not be so much dazzled by any name, how illustrious soever, as to sacrifice to it the rights of truth and justice.

Consider, I pray you, is it credible, that in at least nineteen nations out of twenty now subsisting in the world (I admit for argument's sake that there are some, tho' I know them not, which come within the description they give) the people are under no obligation to obey the ruling powers? Is there no right but that of the stronger existing among them? How does this doctrine square with that of the New Testament? I hope I speak to the disciples of Christ, to those who believe the scriptures to be a revelation from God. If so, I persuade myself, my hearers will not be
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rash in admitting any theory which will not bear the test of holy writ. We have already tried those novel maxims of our modern republicans by the light of reason; let us bring them also to the christian touchstone, the Bible. This is a field on which, as far as I have observed, the combatants have not as yet entered. But surely, if we have not renounced the faith of Jesus, it is of the utmost consequence to us to know, how far any principles, however artfully inculcated, are conformable to the heavenly lessons transmitted from our divine master. Hear his faithful servant Paul; *Let every soul be subject to the higher powers; for there is no power but of God. The powers that be are ordained of God. Whosoever therefore resisteth the power, resisteth the ordinance of God. And they that resist, shall receive to themselves damnation, or judgment.* Can any thing be more explicit? No limitation is here annexed, from which we can learn that the precept was meant to extend only to the subjects of one species of civil polity. Magistrates, on the contrary, are here denoted by terms of the most extensive signification, that we may know that the intention was to comprehend those under every constitution. They are *the higher*, or the ruling powers, and *the powers that be*, those under the conduct of providence settled amongst you, democratical or monarchical, hereditary or elective. And if we enquire, What were the powers actually in being at the time to which the people were commanded to be subjected? The answer is plain, They were the powers of the Roman government, not of the republic but of the empire, a new species of monarchy, elective, irregular, and very arbitrary.

In regard to tribute, the point so hotly agitated with us at present, nothing can be more express. *Render to all their dues, tribute to whom tribute is due, custom to whom custom, fear to whom fear, honour to whom honour.* What shall we say to this passage, if
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all custom and tribute are naturally and essentially free gifts on the part of the people, and if consequently no tribute or custom could be due to any man to whom they had not previously, either personally, or by their representatives, freely given and granted it? But with this doctrine, it seems the apostle was utterly unacquainted. The Jews indeed had a system of their own with regard to taxing, quite different from the American system, of which they certainly had no conception, but plainly pointing to the same object, an exemption. Their doctrine was, that God's elect people, the holy nation, the descendants of the patriarchs, were not taxable by idolaters such as the Romans, uncircumcised and profane. This was the grand topic of declamation of their patriots; for they too had their patriots. Their objection, as it had some colour from the Old Testament, could not fail to appear plausible to a people with whose prejudices, pride, and selfishness it perfectly coincided. But did our Saviour, when consulted by them, give his sanction to their sentiments? Did he by his answer court popularity and the fame of patriotism? I use the term in its modern degradation. Quite the reverse. Tho', by his manner of answering, he eluded the malice his enemies showed in putting the question, nothing can be more decisive than his reply. After asking them to show him the tribute-money, and being told that it bore Cesar's image and superscription, he immediately rejoined, *Render therefore to Cesar the things which are Cesar's, and to God the things which are God's*. Yet it is certain, that to this tax, or any other exacted by the Romans, the consent of no Jew was ever asked. Is it so then, that this original, this unalienable, this indefeasible right, to which, in the turgid dialect of America, the laws of nature and of nature's God entitle every man, that no part of his property can be alienated without his own consent, was totally unknown to our Lord and his apostles?

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Did they not discover what is clear as demonstration to all our western brethren, that without such consent, by whatever law or statute the tax was imposed, it could be no better than *statutable plunder**? Or knowing it, did they dissemble the matter, take the aid of a little equivocation, that they might conceal it from the people, and court the favour of the great? We should rather think that they would have furnished their countrymen with this additional argument, instructing them better in their natural rights, which were not the less theirs, because they were so stupid as not to find them out.

Has Paul in particular acted the politician in this affair? Has he shrewdly given an ambiguous order to pay tribute to whom tribute is due, that on the one hand he might appear a dutiful subject to the pagan magistrate, and on the other might suggest to christians an excellent pretence for eluding the obligation, by maintaining that there is none to whom tribute is due? Far be such vile artifices from the select missionaries of the true and faithful Witness. Far be such execrable casuistry from being charged on the word of God, the oracle of truth. But the apostle, it must be owned, when the whole passage is attended to, has left no scope for this poor subterfuge. *For this cause, says he, pay ye tribute also, for they are God's ministers attending continually on this very thing.* He does not hesitate to ascribe to them a divine commission. Now nothing is more certain than that in the Roman empire in those days, the people, throughout the provinces, were assessed either by the imperial authority, or by the authority of the senate; and had no share either personally or by representatives in assessing themselves. For the senate was not chosen by the people. I entreat you, my brethren, to compare impartially the language of our Lord and his apostles with that of our modern demagogues, and from the difference ye find in them, judge of the different

* A favourite phrase of the Congress.

ferent spirit which they breathe. Not a single hint do we get from those, that 'taxation and representation are inseparable;' no suggestion that for 'christians tamely to submit in an article of this nature would be to sacrifice their liberties, to be lost to every sense of virtue, to sell themselves and their posterity to perpetual servitude.' Let those do it who can; I own, it is impossible for me to reconcile this language with that of the gospel.

So strong did the argument from the words of Paul appear against the papal usurpations on the secular powers; for if every soul must be subject to them (and it was to the Romans the words were addressed) the pope can plead no exemption (so strong I say did this argument appear) that some of the canonists could conceive no way of eluding it, but by maintaining that all such injunctions are merely prudential advices; that as the christians were then the weaker party, who, if they had not paid willingly, would have been compelled, and might have suffered in other respects, the apostle thought it adviseable for them to comply, since they could not make their condition better by a refusal. Those precepts then are to be viewed in the same light as we should view the counsel of a friend, who, when we were setting out on a journey, should warn us, that if we meet with highwaymen on the road, we ought to give them our money rather than endanger our lives. A curious turn, I must acknowledge, to the dictates of inspiration.

At the same time I do but justice to those casuists when I confess, that I have not heard any thing so specious for obviating so strong an argument from scripture, advanced by any of our champions on the side of the American revolt. For this reason I shall suppose that such of them as think the doctrine of the bible of any consequence in the debate, satisfy their consciences with the gloss above-mentioned. Be it then, that there is no right in any government not established and upheld by universal consent, but the free booter's

booter's right, the right of the stronger; that there is no law in such, but club-law; that there is no motive to submission, but such as ought to influence us, in case we were encountered by pirates, robbers, or ruffians of whatever denomination; that there is no difference between these and civil rulers, but such as obtains between less and greater villains, not a difference in kind, but in degree. On this hypothesis, if the apostle had been advising christians, as to the conduct they should maintain in case of being attacked by robbers, his style and reasoning ought to have been the same. But will any christian, will even a candid infidel, who has read the apostle's writings, affirm that he would have used the same arguments? Would his reason for their compliance have been, that robbery is of God? that the highwayman is his minister for their good, expressly commissioned to rob on the highway? that resisting him is resisting God's ordinance, and the sure way of incurring the divine vengeance? or could this have been called arguing on the merely prudential consideration of not idly opposing a superior force? Barely to unfold what is implied in some opinions is a sufficient refutation. But what can more implicitly exclude this absurd, not to say blasphemous cavil, than what follows, *Be ye subject also not only for wrath, but for conscience sake*; not only from fear of wrath, the punishment that may be inflicted by the offended magistrate, but (even if that could be eluded, act this part) from a principle of duty towards God, who requires it of you.

A celebrated foreigner, a republican too of the new model, whose understanding, tho' very acute, has, in several instances, proved the dupe of a warm imagination and strong passions, intoxicated with the chimerical maxims I have already considered, has with infinite labour chalked out the plan of a democracy perfectly Utopian, such as never was and never will be brought into effect; this man, tho' a professed admirer of the gospel, and at times, he would
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make us think, a believer, has had the discernment to discover, and the candour to acknowledge, that it is impossible to reconcile christianity with the idol of a republic which he had reared up.

I am surprised that none of the worshippers of this idol in our island seem to have attended to this remark^a. As little have they attended to another of the same author, that it is only in a very small city that his scheme is practicable^b. I am not so much astonished that they have not discovered, what to me is equally plain, that common sense (with which I could never find that the gospel is at variance in any thing) is not less its enemy than christianity.

That our religion strongly inculcates the duty of subjects to the magistrate (which this philosopher calls being favourable to tyranny) is undeniable. It gives no preference to one form of government above another, but is friendly to order and to the public peace, which it will not permit us rashly to infringe; it teaches us to respect the dispensations of providence, and to seek the good of the society whereof we are members. The ancient landmarks of the constitution it forbids us to remove, in the presumptuous hope that we shall place them anew better than our fathers have done. Nay more, it unites in such a manner our allegiance to the sovereign and loyalty to the constitution of our country, with piety towards God, as shows that there is an intimate connection between these duties. *Fear the Lord and the king*, says Solomon, *and meddle not with them that are given to change*. To the same purpose Peter, *Fear God, honour the King*^c. And in the words I have often referred to from Paul, the duty is all along enforced from a principle of reverence to God. At the same time it does not preclude the constitutional support of any civil right. Paul, tho' as sensible as any man, of the shortness of life, and of the smallness of its value, compared with eternity, did not disdain oftener than once to assert his right as
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^a Rousseau Du contrat social L. iv. chap. viii. ^b L. iii. chap. xv. ^c 1 Pet. ii, 17.

a freeman of Rome, happily joining the spirit of the Roman with the moderation of the christian^a. And in the former part of this discourse, I have shown, I hope, with sufficient evidence, that none of the expressions recommending the duty of allegiance, if candidly interpreted by the same rules which are admitted in interpreting other precepts similarly expressed, can be understood to exclude an exception in cases of extreme necessity. It was also observed, that in the general terms employed in scripture, there is manifestly included the *whole* of the civil constitution. And the whole is more to be regarded than a part. Even the royal power, however considerable, is still, in respect of the constitution, but a part.

In regard to the present quarrel, it may justly be said that it is the whole that is attacked. Indeed the ringleaders of the American revolt, the members of their congress, have, in their last declaration, pointed all their malice against the king, as tho' in consequence of a settled plan, he had been adopting and pursuing tyrannical measures, in order to render himself absolute. They have accordingly spared no abuse, no insult by which they could inflame the minds of an unhappy and deluded people. Their expressions are such as decency forbids me to repeat. The means they employ are indeed of a colour with the end they pursue. But let those who can lay claim to any impartiality or candour, but reflect, and say, in what single instance our benign sovereign has adopted any measure but by the advice of the British legislature, or pursued a separate interest from that of the British nation. It is solely concerning the supremacy of the parliament, the legislative body of Great Britain, and not concerning the prerogatives of the crown, that we are now contending. And ought not this circumstance to enhance our obligation to concur with alacrity as far as our influence will extend

^a Acts xvi. 37. xxii. 25.

tend, in strengthening the hands of the government, now laid under a necessity of seeking by arms to bring back to their duty those insolent and rebellious subjects?

I am unwilling to quit the subject without taking notice of every plea that may seem to be of weight on the other side of the question. Some of the more moderate advocates for these people will plead, that without recurring to any democratical and newfangled principles, or to the footing on which the colonists themselves, and some of their most sanguine champions in this country think proper to place the argument, these few questions for clearing the point may pertinently be asked. First, Whether or not have the British Americans a civil and constitutional right (let the terms *natural* and *unalienable*, with the other nonsense employed for taking in the rabble, be exploded) to all the privileges of British subjects? Secondly, is it not a distinguishing privilege of British subjects, that they are not taxable but by their representatives? And thirdly, if this be the case, can the Americans be regularly or justly taxed by a parliament in which they have no representatives?

In answer to the first question, It is admitted they are entitled to all the privileges of British subjects. In answer to the second, If the members of the house of commons, are, as the objector surely means to signify, the representatives only of those by whom they are elected, it is not the privilege of all British subjects, that they are not taxable but by their representatives. This is the privilege of those only who are in a certain way qualified. It is not above one in twenty of the people of England, or above one in a hundred of the people of Scotland, who have a voice in the election of members of parliament. But if the members represent also those who are not their electors, and have no power, no influence whatever in electing them, it will be impossible to assign

a good reason why they may not be denominated the representatives of all the subjects in America, as well as in Britain. This leads directly to the answer to the third question. If, as has been computed, there be at least between six ^{and} ~~or~~ seven millions of people in Great Britain, who are taxed by a parliament in which they are not represented, it can be deemed neither unreasonable nor unconstitutional that there should be about two millions in America in the same situation.

It would be uncandid not to admit that there is some difference in the cases. The members of the house of commons in almost every tax (for there are some exceptions *) they lay on their British fellow-subjects, tax themselves in proportion. The case is different in regard to their fellow-subjects in America. But this is an inequality that necessarily results from the difference of situation, and is, besides, more than counterbalanced by some motives and difficulties that will ever effectually prevent the legislature from going the same lengths in taxing the American subjects which it may safely go in taxing Britons.

But it is notorious, that the former have declared against every method that has yet been devised for removing this capital objection, the only one of consequence in the cause. The simplest method would doubtless be, to allow them a certain number of representatives in the house of commons. Against this proposal they have always loudly and vehemently exclaimed. Do they favour, what has also been suggested in this controversy, that a particular and moderate rate should be fixed, according to which the taxes laid on them should uniformly bear a certain proportion to those imposed on Great Britain? To this they have given no better reception than

* The following, and perhaps some more, may be regarded as exceptions. The act establishing the post-office; From this tax the privilege of franking exempts all members of parliament. The act imposing a tax on seamen for the support of Greenwich hospital. The act for laying an excise on ale and beer brewed for sale.

than to the other. Yet this would effectually remove the grand difficulty, that the parliament by loading the Americans would ease themselves. In this case, on the contrary, no burden could be brought on them, but when a proportionably greater is laid on the British subject. Have they then proposed any method themselves for removing this obstacle, this great stumbling-block? Nothing that I know of, but a total immunity, or what is equivalent, to be left to do as they please. This and only this will content them.

Will any considerate person say, that this is a reasonable motion on their part? Nothing can be less so. The colonies indeed by their own provincial assemblies have been in the practice of raising a small part, and but a small part, of what is necessary for the internal administration of justice and government of the colony. But in this way they have not hitherto raised money for defraying the more public and unavoidable expences of government in the protection of the whole. Nor indeed is this an adequate method of doing it, considering the independency of the provinces, one of another, considering the difficulty of adjustment, when every one of so many is left entirely to itself, considering too the natural selfishness of men, which leads them to shift the burden as much as possible off themselves, and throw it upon their neighbours. In the two last wars, which were entered into solely for the defence of the colonies, and in consequence of the clamour raised by them and their agents in this country, this nation was involved in more than seventy millions of debt. And of this they have not agreed, nor will agree to any rule, by which a certain contingent, however low, may be ascertained as what ought to be levied from them.

The sum total of all their proposals to their British fellow-subjects, before they formally renounced their allegiance, was neither more nor less than this. 'We will do your king the honour to ac-

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' knowlege him for our king; we will never refuse to pay him that
 ' compliment, provided no more than compliment is understood by
 ' it. Judicial proceedings shall be in his name, and his name
 ' (which will serve as well as any other name) shall stand at the head
 ' of our proclamations. Nay, he shall nominate to certain offices
 ' amongst us, provided it be in our power to feed or starve the of-
 ' ficers, or at least to permit them to act, or tie up their hands, as
 ' we happen to like or dislike their conduct. Tho' we are not satis-
 ' fied with the reasonableness of the thing, we shall for the present,
 ' submit to the restraints laid on our trade by the act of navigation,
 ' provided we have none of your military to guard the execution of
 ' that act; and provided further, that when any of our merchants
 ' are accused of smuggling, their cause be tried by a jury of smug-
 ' glers; or if any of our people be charged with sedition and riot,
 ' they be tried by a jury of the mob; for this, we think, is in the
 ' true spirit of trial by jury, which is, that a man be tried by his
 ' peers. We do not mean, however, that this privilege shall ex-
 ' tend in the same manner to your custom-house officers, and other
 ' dependants of the crown, who, if they should be sent hither, and
 ' be accused of any crime, shall be tried by a jury too, not indeed
 ' of custom-house officers, but of our liberty-men, that is our rioters
 ' and contraband traders, with their patrons and abettors.' And
 ' who can doubt that they are fit depositaries of the lives and pro-
 ' perties of revenue-officers and soldiers? ' We will not be so disre-
 ' spectful (however little we value it) as to decline participating in
 ' all the privileges of British subjects, inheritance, succession, of-
 ' fices, honours and dignities amongst you, equally with the na-
 ' tives of Great Britain. Further, we will allow your nation the
 ' honour not only of being at the principal charge in supporting the
 ' internal government of our provinces, but also of protecting us at
 ' your own expence defensively and offensively against all our ene-
 ' mies,

‘mies, real or imaginary, by sea and land, whenever we shall think proper to raise a clamour; and we will in return agree to give you’—How much?—‘Just whatever we please, and, if we please, nothing at all.’ A most extraordinary covenant, wherein all the obligations are on one side, and every thing is discretionary on the other.

Is this the manner in which individuals, or even private companies, contract with one another! Yet there are no doubt many individuals, and perhaps some private companies, in whom it might be safe to repose so implicit a confidence. But to recommend to the people of one nation to take this method in treating with those of another, can scarcely be viewed otherwise than as an insult offered to their understandings. I may add, that of all nations the last in whom we could place with safety so great a trust is the North Americans, if the unamiable portrait, which I own I am inclined to think exaggerated, but which one of their warmest friends and ablest advocates has drawn of them, is a just representation of the original, and if they are such a proud, fierce, jealous, restive, stubborn, untractable, suspicious, litigious, chicaning race of pettifoggers, as he exhibits them^a; and I may add, if they are as grossly insincere and false as the conduct of their worthy representatives, the congress, exhibits them to every one who will take the trouble to compare what they say on the article of religion in the Quebec act in their application to the people of Great Britain, with what they say of the same article in their address to the people of Canada. Their duplicity in this particular and in some others, has proved matter of confusion to such of their partisans in this country, as have any regard to truth and candour. Certain it is, however, that their terms of reconciliation, if they can be called terms, where
all

^a Mr Burke's speech, March 22d 1775.

all the concessions are exacted from one side, and nothing engaged for on the other, are, on every principle of common sense, utterly unworthy of regard. Better far to let them have their beloved independence. I am not sure that this would not have been the best measure from the beginning*. I say this however with all due submission and deference, for I am far from considering myself as a proper judge in so nice a question.

What then is the conclusion of the whole? It is precisely that we follow the admonition of the wise man, with which we began, that *we fear the Lord and the king, and meddle not with them that are given to change.* Whilst we sincerely repent of the misimprovement of former mercies, which have provoked heaven against us, let us act *as free, yet not using our liberty for a cloke of maliciousness,* a practice too common in these days, *but as the servants of God;* entertaining a proper detestation of that modern political hypocrisy, which under the disguise of *patriotism* (a name once respectable, now brought into disgrace by frequent misapplication) attempts to screen the worst designs and most pernicious practices.

In regard to our deluded fellow-subjects on the other side of the Atlantic, let us consider them as objects of our pity more than of our indignation. In behalf of the mere populace, the unthinking multitude, it may with truth be pleaded almost in every insurrection, that their ignorance is their apology. *They know not what they do.* They are but the tools of a few ambitious, interested, and designing men, both on their side of the water and on ours. Already, alas! they have severely felt the effects of their folly. Let us ardently pray to the Father of lights and of mercy, that he would open the eyes of the people, and turn the hearts of their leaders. Too long already have they been wandering in the dark, not knowing whither. Pretending to pursue liberty, they have

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* Dr Tucker has advanced some very plausible arguments in support of this measure. See his Tracts.

turned their back upon it, they have fled from it. Seeking to avoid slavery, they have plunged headlong into it! May God, who ruleth the raging of the sea, and stilleth the noise of the waves, still the tumults of the people! May he soon restore them to their senses, for their sakes and ours!

It is neither our duty nor our interest to wish them, or any part of the British dominions in a state of servitude, but we ought to wish and pray, that all our present differences may be composed in such a manner, as, by providing against the like disturbances in time to come, may effectually secure a lasting peace. This is not more for our benefit than it is for theirs. And indeed the interest of both, if rightly understood, will be found to be the same. The radical evil in their governments seems to have been, even in the judgment of some of their friends^a, that the constituent members of their states were not equally balanced; the republican part was more than a counterpoize to both the rest. This to superficial thinkers (who conceive democracy and freedom as synonymous) is regarded as so much gained to the side of liberty. There is not a more egregious error. The effect is indeed constantly an increase of licentiousness; than which no kind of tyranny is a greater enemy to rational and civil liberty. If recourse is had to matter of fact, I am persuaded those colonial governments will be found to have been the most turbulent, the most unhappy, the most licentious, and such as by consequence gave the least security to the liberty and property of individuals, where the excess of power on the democratical side has been the greatest. May God, who bringeth light out of darkness, and order out of confusion, make all our troubles terminate in what shall prove the felicity of all!

^a See Mr Burke's speech, March 1775.

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[Erratum, p. 32. l. 19. for *implicitly* read *explicitly*.]

...their back upon it, they have had from it. Seeking to avoid slavery, they have plunged headlong into it! May God, who makes the raging of the sea, and stills the noise of the waves, fill the hearts of the people! May he soon return them to their senses, for their sakes and ours!

It is neither our duty nor our interest to wish them, or any part of the British dominions in a state of servitude, but we ought to wish and pray, that all our present differences may be composed in such a manner, as by providing against the like dissensions in time to come, may ultimately secure a lasting peace. This is not more for our benefit than it is for theirs. And indeed the interest of both, if rightly understood, will be found to be the same. The radical evil in governments seems to have been even in the judgment of their friends, that the constitution members of their states were not equally balanced; the republican part was more than a counterpoise to that of the rest. The to superficial thinkers (who conceive democracy and freedom as synonymous) is regarded as so much gained to the side of liberty. There is not a more egregious error. The effect is indeed contrary to the interests of the people; than which no kind of tyranny is a greater enemy to national and civil liberty. If recourse is had to matter of fact, I am persuaded that colonial governments will be found to have been the most tyrannical, the most unhappy, the most licentious, and such as by consequences gave the least security to the liberty and property of individuals. While the entire of power on the democratical side has been the greatest. May God, who brings light out of darkness, and order out of confusion, make all our troubles terminate in what shall prove the felicity of all.



See Mr. Buxton's speech, March 1838.

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